

REMARKS

Applicant acknowledges the withdraw of the previously raised election of species requirement and notes that all of originally filed claims 1-26 were subject to examination culminating in the issuance of the outstanding Official Action mailed February 14, 2005.

Claims 1-26 have been withdrawn in favor of newly submitted Claims 27-40. It is believed that these claims serve to overcome the formalistic objections of record to the originally filed claims. Namely, care has been taken to re-draft claims obviating the 35 USC 112 second paragraph rejections as outlined in paragraphs 3 and 4 of the Action starting at page 2 and comprising the majority of page 3 of said Action.

A series of objections are raised to the originally filed claims as follows:

35 USC 102(b) to originally filed claims 1, 2, 10, 11, 13, 14, 15, 21, 24 and 26 in view of Gronbach, GB 1,422,808 disclosing specific elements of the hinge of Gronbach including a movable axis for door having a balancing device with a sleeve, a seat formed in a head of the sleeve for retaining the end of a first coaxial spring a second end having a fastening element, a spindle with one end inside the first spring, a retaining means for retaining one end of a second spring which is coaxial with the first spring and the other end housed inside a corresponding seat of said sleeve wherein the first spring has a load greater than the second spring.

Claims 1-5, 7-9, 12 and 13 are similarly rejected under 35 USC 102(b) citing H. Pletsch concluding in a first spring having a load greater than the second spring and further including a means for retaining the end of the first spring in the head of a sleeve.

Obviousness objections are subsequently raised to separate groups of claims as follows: Claims 6, 14-20, 22, 23, 25 and 26 are rejected over H. Pletsch in view of U.S. Patent No. 5,025,776 to Hanley et al.

Separate rationales for rejections are provided for features as disclosed in cited sub-groupings of claims where specific features are chosen from each of the aforementioned references to arrive at the conclusion that modification and/or combination of the references to arrive at what Applicant has set forth in his claims would be obvious for one of ordinary skill in the art to recognized, modify and/or combine to meet Applicant's claims.

Applicant respectfully requests the Examiner's reconsideration of these rejections noting that all of the features that Applicant has set forth and claimed are not disclosed in any single reference. Furthermore, there is not explicit or implicit motivation providing that person of ordinary skill to look to Pletsch, extract certain features, modify and/or combine them with certain features of Hanley et al. and make obvious Applicant's claimed invention. Absent any motivation for such combination, this objection is believed to be overcome.

Similarly, Pletsch and Gronbach, GB 1,422,808 and Pletsch and Hanley et al. in view of Gronbach are combined to conclude that the features as set forth in originally filed claims 10 and 21 are obvious.

The same rationale setting forth the standard for proper combination as argued above is respectfully submitted to apply to these further obviousness objections to claims 10 and 21 respectively. Absent any specific motivation recited in any one or all of the references, it is submitted that such combination is not permissible and the rejection is therefore requested to be withdrawn.

Rather, the present invention as set forth and claimed in newly submitted Claims 27-40 is believed to disclose patentable subject matter as it is believed that the features of the claimed hinge is neither anticipated nor obvious in view of the features now recited as well as the arguments against combination provided hereinabove.

The independent Claim 27 is believed to recite features which are readily understandable to render this claim and all claims dependent thereon either directly or indirectly patentable.

The hinge now recites an axis of rotation varying position during opening and closing rotation.

Additionally, the first springs function in a series scheme, simply put, the second spring starts working after the first spring has completed its displacement and the force of the second spring is added to the force of the first thus determining a variable force according to the displacement arm of the hinge (i.e., a variation of the position of the rotation axis).

The springs of the prior art references are distinct as they all teach hinges with springs which work in parallel determining a linear variation of the forces which are not suitable for a door with an axis of rotation varying its position during the rotation itself. This is particularly true if the axis is horizontal for example, the working of an oven door.

As these limitations are not met in any of the references taken alone and any combination of references, if such combination were permissible, do not meet these limitations much less function in the way Applicant's hinge functions, it is respectfully submitted that the claimed invention meets the standards for patentability. Accordingly, favorable reconsideration and an early indication of allowance are earnestly solicited.

Date: _____

8/15/05

Respectfully Submitted,

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I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: August 15, 2005

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